

## **R E M A R K S**

Claims 1-6 and 8-14 are in the application, with claims 1 and 6 having been amended. Claims 1, 6, 8 and 9 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

### **Claim Rejections – 35 USC § 102(e)**

Claims 1-2, 5, and 8-14 are rejected as being anticipated by U.S. Patent No. 6,317,728 (“Kane”).

Claim 1 is directed to a “method for computerized trading” which includes “a human being using a graphical user interface to enter parameters for a trading algorithm to input a trading order into a logic engine”, “using a first plug-in in said logic engine for implementing the trading algorithm”, “inputting data for said order into said logic engine”, “processing the order with said logic engine, using said plug-in” and “executing said order”. Further, claim 1 now recites “said human being monitoring said order in real time using said graphical user interface”.

It is noted that claim 1 has now been amended to specify that the same graphical user interface is used (by the same person) both to enter parameters for a trading algorithm and to monitor an order in real time. Support for these claim amendments is found, for example, at page 8, lines 19-23 of the specification of the present application.

Applicants respectfully request that the Examiner “review the bidding” in terms of what has happened during the prosecution of this case, as applicants have amended the claims and applicants’ representative and the Examiner have exchanged remarks.

In response to the first rejection of claim 1 as anticipated by Kane, the applicants amended claim 1 to specify the step of a human being entering parameters for a trading algorithm to input a trading order into a logic engine. In their remarks, applicants pointed out that the intelligent agents in Kane were software entities, not people.

The Examiner’s response to these remarks, contained in page 6 of the Office Action of Nov. 17, 2005, stated that the intelligent agents represented buy and sell rules that were “pre-

programmed by a human being”, although such pre-programming is not explicitly referred to in the reference.

In a response filed in February 2006, the applicants further amended claim 1 to specify an addition step of the same human being who did the pre-programming also monitoring the order in real time. In their remarks, applicants noted that the “human being” referred to by the Examiner in the rejection was apparently the author of the software for Kane’s system. No other possible person entering parameters for a trading algorithm can be understood from the reference.

The Examiner, in the currently pending Office Action, referred to a passage at column, lines 20-35 of Kane which refers to individuals overriding the unattended trading system of Kane to place orders and also monitoring automatic operation of the system. However, neither this passage nor any other portion of the reference is explicitly concerned with a human being entering parameters of a trading algorithm. Presuming, as the Examiner apparently does, that some human pre-programs the buy and sell rules that underlie Kane’s “intelligent agent” software entities, even so, the reference clearly lacks disclosure of a human being using the same graphical user interface both to pre-program buy and sell rules to create Kane’s trading system and to monitor operation of the system. It is accordingly submitted that at least with the present amendment thereto, claim 1 is clearly patentably distinguished from the Kane reference.

The next independent claim, which is claim 6, has been amended in like fashion to claim 1, and is submitted as patentable on the same basis. The other independent claims--i.e., claims 8 and 9--previously recited using the same interface for entering parameters to a trading algorithm and for monitoring orders, and accordingly those claims require no amendment for the above arguments regarding claim 1 also to be applicable to claims 8 and 9.

The other claims, being dependent, are submitted as patentable on the same basis as their parent independent claims.

The rejection under 35 U.S.C. § 103 is not believed to raise any issues that require further discussion, in view of the above-noted deficiencies of the Kane reference.

### CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,



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Date

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